

**2001 ENVIRONMENTAL NEGOTIATIONS COMPETITION  
CONFIDENTIAL INSTRUCTIONS FOR DEPUTY DISTRICT ATTORNEYS  
ROUND 1**

The DA must rely to a large extent on LLI's assessment of the effectiveness of its proposals (and, of course, common sense) regarding improvements in the control of sawdust releases at the plant. The DA, however, wants the agreement to have as much specificity as possible as well as a mechanism permitting easy enforceability should the implemented measures prove ineffective.

With respect to the housekeeping issues raised in the background discussion, the DA has given you some specific instructions:

1. Outside sawdust pile. The DA would like to have no daytime outside pile, but recognizes that this would make it difficult for LLI to operate. All piles must be covered if not in active use day or night, and the area must be fenced with material that will contain the sawdust that may be released.

2. Front loaders. The DA believes that a large company like LLI should be able to bring in trucks almost immediately, without incurring any inordinate expense.

3. Press vents. This is a tough issue. Some structure should be created to limit air emissions from the roof vents. The DA is willing to compromise on the specifics as long as he retains the ability to demand alternative solutions if the compromise solution fails to sufficiently reduce emissions.

4. General maintenance. The more the better, every shift if possible. The more accountability the better as well. Name in the settlement agreement the individuals responsible for maintenance activities.

5. Inspections. Again, the more the better. Inspections should be logged, along with problems identified and actions taken. This could make it easier for the DA to enforce the agreement.

\* 6. Enforcement and Additional Measures. The DA believes that these issues should all be resolvable if both sides compromise. The more difficult problem is what happens if the "solutions" are insufficient? Is there some way to allow new or modified solutions? LLI probably should not be punished if it meets its new obligations, but the DA needs some recourse if the measures agreed on now prove insufficient. Also, some conduct should still be subject to enforcement action (e.g., additional civil penalties, criminal sanctions) by the DA. If you can resolve these problems, the DA will support an agreement.